



City of Seattle

Gregory J. Nickels, Mayor
Department of Planning and Development
D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND RECOMMENDATION OF THE DIRECTOR
OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number(s): 2307322, 2308663, 2308664, 2308665

Applicant Name: David Miyamoto, OTAK, for the Willamette Planning Group.

Address(es) of Proposal: 6901 Sylvan Way SW, 7100 27th Av SW, 7101 27th Av SW, 7100 Shinkle Pl SW

Clerk File Number: 306509

SUMMARY OF PROPOSED ACTION

Master Use Permit for the development of a 196-lot, townhouse subdivision. The project includes a full unit lot subdivision to subdivide four existing parcels into 196 unit lots within six parent parcels. The project also includes the dedication of new streets, S.W. Sylvan Heights Drive and the extension of 27th Ave S.W.

The following approvals are required:

Unit Lot Subdivision – SMC 23.22.016 and 23.22.062

SEPA – SMC 25.05

SEPA DETERMINATION:

☐ Exempt ☐ DNS ☐ MDNS ☐ EIS

☒ DNS with conditions

☐ DNS involving non-exempt grading or demolition, or involving another agency with jurisdiction

BACKGROUND INFORMATION

Proposal Description

The applicant is proposing a 196-unit townhouse subdivision in West Seattle. The approximately 13.40-acre project site is bounded on the north by Sylvan Way, the west by 28th Ave. S.W., the south by S.W. Othello St. and the east by the City of Seattle Longfellow Creek open space. The site was formerly used as a gravel mine and for disposal of undocumented fill. The site is currently vacant. The site is zoned Lowrise 1 (L-1).

The project includes the development of existing platted street rights of way, 27th Ave. S.W., Shinkle Pl. S.W. and S.W. Myrtle St. The project also includes the dedication and development of new streets, S.W. Sylvan Heights Drive and the extension of 27th Ave S.W. In addition, the project includes two open space play areas, a pedestrian connection to a pathway in the adjacent City of Seattle Longfellow Creek open space, a pedestrian connection from S.W. Myrtle St. to 28th Ave. S.W., and a connection along 28th Ave. to Sylvan Way. The project proposes to infiltrate stormwater to ensure no significant adverse impacts to Longfellow Creek from stormwater runoff.

The project requires the approval of a full unit lot subdivision and environmental review under SEPA.

Prior to and independent of development of the project, existing environmental contamination on the site will be remediated pursuant to a plan approved by the Department of Ecology under its Voluntary Cleanup Program. The environmental remediation is not authorized by this Master Use Permit but is the subject of a separate grading permit application (#2203437). SEPA review of the grading and environmental remediation, however, is considered under this application.

Procedural Information

This DPD Decision and Recommendation includes two distinct components to evaluate the proposal. Future development will be subject to further permitting requirements, including construction-level approvals such as grading and building permits, and SEPA review pursuant to the Land Use Code (SMC Title 23) and SEPA (SMC 25.05).

Subdivision

The project includes a full unit lot subdivision to create a total of 196 unit lots. In addition to the four parent lots cited under the four project numbers above, the proposed dedication of public right-of-way within the existing lot addressed as 6901 Sylvan Way SW will provide for two additional parent lots for a total of six parent parcels. The six parent lots will be subdivided into a total of 196 unit lots. These lots will later be used for the development of townhouses. In this report, DPD will make a recommendation to the Hearing Examiner on the subdivision. The Hearing Examiner will make a decision on the subdivision (preliminary plat) and the City Council will later render a decision on the final plat.

SEPA Conditioning

The applicant prepared an Environmental Checklist for the project, including a Transportation Impact Analysis, Geotechnical Report and a Fish and Wildlife Report. DPD has conducted environmental review, including review of the Environmental Checklist. In this report, DPD conditions the project based on the impacts disclosed in the environmental documents and issues a Determination of Nonsignificance with conditions.

Public Involvement and Comment

Notice of application was provided in the manner prescribed in SMC 23.76, including posted notice on the site, publication in the Land Use Information Service and mailing. The Land Use Planner for the project attended a meeting of the Sunrise Heights Neighborhood Association on April 20, 2004, to discuss the project. DPD received one written comment. Verbal comments at the Neighborhood Association meeting and in telephone communications primarily focused on density, traffic, pedestrian connections and open space.

The applicant also conducted extensive public outreach, including attending meetings of the Sunrise Heights Community Council on January 22 and April 20, 2004, the Longfellow Creek Council on March 8, 2004 and a special meeting of the Delridge Neighborhood Community Council, to which numerous neighborhood groups were invited, on March 23, 2004. Applicant representatives also met with and held telephone conversations with individual interested members of the public.

In addition, the **West Seattle Herald** published an article describing the project on March 3, 2004.

DIRECTOR'S ANALYSIS – SUBDIVISION

The Land Use Code (Section 23.76.023) requires the Director of DPD to prepare a written report for a proposed preliminary plat. The Code calls for the Director's report to include the following:

1. The written recommendations or comments of any affected City departments and other governmental agencies having an interest in the application;
2. Responses to written comments submitted by interested citizens;
3. An evaluation of the proposal based on the standards and criteria for subdivisions contained in SMC Chapter 23.22;
4. All environmental documentation, including any checklist, EIS or DNS; and
5. The Director's recommendations to approve, approve with conditions, or deny the application.

The Director's report is to be submitted to the Hearing Examiner and made available for public inspection for at least thirty (30) days prior to the Hearing Examiner's public hearing.

1. Recommendations and Comments by City Departments and Other Government Agencies Having an Interest in the Application

The following represents a summary of the comments received from the agencies indicated. Information and documentation from each review agency is available in the DPD project file. This review is required per SMC 23.22.024, with plans and supporting information distributed to each department.

A. Director Seattle Department of Transportation (SDOT)

SDOT recommended approval subject to the following conditions:

1. All contamination must be cleaned up prior to dedication of any right-of-way and prior to start of construction of the public infrastructure.
2. Additional right-of-way shall be required on SW Myrtle Street at the top of the proposed stairway leading up to 28th Ave SW (approximately 30' by 100') and at the bottom of the stairway west of 27th Ave SW to include the play area (approximately 20' by 70').

B. Director of Seattle Public Utilities (SPU)

SPU recommended approval subject to the following conditions:

3. Although this project is proposing infiltration as the primary mechanism to control the peak discharge rates from the site resulting from a 100-yr; 24-hr storm event to the allowable level as defined by the City's Stormwater code, and although, as so described, the overall drainage goal meets the intent of the City's Stormwater Code, the location of the infiltration facilities has not been approved and shall need to be adjusted after further study of the Geotechnical Report and review of the infiltration facilities design.
4. The short- and long-term operation and maintenance of all the proposed infiltration facilities (both on private property and within the ROW) shall be the responsibility of the private development and shall be noted as such in a covenant or on the face of the plat.
5. Although a traditional conveyance system (i.e. pipe, inlet and catch basin) is currently proposed to route runoff to designated infiltration facilities, SPU recommends that natural drainage systems shall be considered in lieu of the traditional system, or used in conjunction with a traditional system, where feasible. Regardless of the type of conveyance system that is finally proposed, runoff must flow through an approved water quality treatment system and/or a catch basin to remove sediment and other pollutants prior to entering the infiltration facilities.

C. Superintendent of City Light

City Light recommended approval subject to the following conditions:

5. The 814 vault (east of the pad) shall be to be moved 3' north and the pad needs to be moved 2' to the south.

D. Chief, Fire Department

The Fire Department recommended approval without any conditions.

E. Director of Public Health

The Director of Public Health did not comment.

F. Director of Housing

The Director of Housing did not comment.

G. Superintendent of Parks and Recreation

The Superintendent of Parks and Recreation did not provide written comments. The applicant and the Department of Parks and Recreation are involved in ongoing discussions regarding the purchase by the Department of Parks and Recreation of certain lots in the southern portion of the Project. These discussions are separate and independent from DPD's review of the proposed subdivision. The approval of the preliminary plat will not affect these ongoing discussions.

H. Metropolitan Services Department

The Metropolitan Services Department did not comment.

I. Other Governmental Agencies

No comments were made on the proposal by other governmental agencies.

2. Responses to Written Comments of Interested Citizens

One written comment on the proposal was submitted to DPD. It did not register opposition to the proposed development but did object to the pedestrian pathway proposed to be developed between the developed portion of SW Myrtle Street to the west and the to-be-developed portion of the SW Myrtle Street on site to the east, to be developed along the unopened public right-of-way of SW Myrtle Street. Acknowledgement was made of the comments and they are included in the project file as part of the public record.

3. Evaluation of the Proposal Pursuant to Applicable Codes

The preliminary plat process is detailed in SMC 23.22, Subchapter II, providing criteria to evaluate proposed subdivisions. These criteria include evaluation of protective improvements for topographical and surface hazards, dedications, the public use and interest, environmentally critical areas, transportation concurrency level of service and unit lot subdivisions. The following section is a discussion of these criteria.

SMC 23.22.050

Topographical and surface hazards – Protective improvements.

Land having topographical or subsurface conditions hazardous to the health, safety or general welfare of persons or property in or near a proposed subdivision shall not be subdivided unless the construction of protective improvements will eliminate the hazards or unless land subject to the hazard is restricted to uses which will not expose persons or property to the hazard. Protective improvements consistent with the standards established in Subchapter VI shall be constructed, prior to final plat approval unless a performance bond acceptable to the Director of Engineering is filed in lieu of the improvements.

Prior to development of the project, existing environmental contamination on the site will be remediated to meet residential standards pursuant to a plan approved by the Department of Ecology under its Voluntary Cleanup Program. The environmental remediation is not authorized by this Master Use Permit but is the subject of a separate grading permit application. Completion of the remediation is a recommended condition. Accordingly, this criterion is met.

SMC 23.22.052

Dedications required.

A. Every subdivision shall include adequate provision for dedication of drainage ways, streets, alleys, easements, slope rights, parks and other public open spaces for general purposes as may be required to protect the public health, safety and welfare.

The project includes the development of existing platted street rights of way, 27th Ave. S.W., Shinkle Pl. S.W. and S.W. Myrtle St. The project also includes the dedication and development of new streets, S.W. Sylvan Heights Drive and the extension of 27th Ave S.W. Full street improvements shall be required for the project. In addition, the project includes two open space play areas, a pedestrian connection to a pathway in the adjacent City of Seattle Longfellow Creek open space and a pedestrian connection from S.W. Myrtle St. to 28th Ave. S.W. The project proposes to infiltrate stormwater to ensure no significant adverse impacts to Longfellow Creek from stormwater runoff.

The street improvements and stormwater system have been designed to City standards. SDOT and SPU have granted conceptual approval of the street improvements and stormwater system subject to the conditions noted above.

The project complies with applicable zoning regulations relating to open space. SMC 23.45.016 requires both private and common open space in L-1 zones. The project meets or exceeds these requirements.

Accordingly, these criteria are met.

B. Protective improvements and easements to maintain the improvements shall be dedicated at the discretion of the City.

Public easements over the private access drives are required as a condition of final plat approval. This criterion is met.

C. Convenient pedestrian and vehicular access to every lot by way of a dedicated street or permanent appurtenant easement shall be provided. Access from a dedicated street shall be required, unless the Director determines that the following conditions exist, and permits access by a permanent private easement:

- 1. Access by easement would not compromise the goals of the Land Use Code to provide for adequate light, air and usable open space between structures; and*
- 2. The dedication and improvement of a street is not necessary or desirable to facilitate adequate water supply for domestic water purposes or for fire protection, or to facilitate adequate storm drainage; and*
- 3. The dedication and improvement of a street is not necessary or desirable in order to provide on-street parking for overflow conditions; and*
- 4. No potential safety hazards would result from multiple access points between existing and future developments onto a roadway without curbs and with limited sight lines; and*
- 5. There is identifiable access for the public and for emergency vehicles; and*
- 6. There is no potential for extending the street system.*

The project includes the development of existing platted street rights of way, 27th Ave. S.W., Shinkle Pl. S.W. and S.W. Myrtle St.. The project also includes the dedication and development of new streets, S.W. Sylvan Heights Drive and the extension of 27th Ave S.W., and the development of alley-like access easements. In addition, the project includes a pedestrian connection from S.W. Myrtle St. to 28th Ave. S.W. These access easements alleys will be developed as 16-foot or 20-foot wide private access drives subject to public easements. At all locations where unit lots do not front on public streets private access drives will be provided. SDOT, SPU and the Fire Department have approved the use of these private access drives. With respect to these two locations, (1) Access by easement would not compromise the goals of the Land Use Code to provide for adequate light, air and usable open space between structures; (2) a public street is not necessary or desirable for adequate domestic water supply, fire protection or adequate storm drainage; (3) a public street is not necessary or desirable for parking; (4) no potential safety hazards would result; (5) there is identifiable access for the public and emergency vehicles; and (6) there is no potential for extending the street system. Accordingly, these criteria are met.

D. Roads not dedicated to the public must be clearly marked on the face of the plat.

Private access drives (alleys) shall be clearly marked on the face of the final plat.

E. If the Hearing Examiner concludes that the public interest will be served, the Hearing Examiner may, in lieu of requiring the dedication to the public of land in a subdivision for protective improvements, drainage ways, streets, alleys, sidewalks, parks and other open space, allow the land to be conveyed to a homeowner's nonprofit maintenance corporation. In that case the subdivider shall, at or prior to the time of filing a final plat for approval, supply the Director with copies of articles of incorporation and bylaws of the grantee organization and with evidence of the conveyance or of a binding commitment to convey. The articles of incorporation shall provide that membership in the corporation shall be conditioned upon ownership of land in the subdivision, that the corporation is empowered to assess the land for costs of construction and maintenance of the improvements and property owned by the corporation, and that the assessment shall be a lien upon the land. The City Attorney shall review and approve the articles of incorporation and bylaws as to compliance with this provision. The Hearing Examiner may impose other conditions as he or she deems appropriate to assure that property and improvements owned by the corporation will be adequately constructed and maintained.

Common open space will be owned and maintained by a Homeowner's Association. The Articles of incorporation, bylaws and evidence of conveyance or binding intent to convey common open space shall be provided prior to recording of the final plat.

F. Any dedication, donation or grant as shown on the face of the plat shall be considered, to all intents and purposes, as a quitclaim deed to the donee or donees, grantee or grantees, for his, her or their use for the purpose intended by the donors or grantors.

G. Dedicated streets and alleys shall meet the requirements of Chapter 23.53 and the Street Improvement Manual. Easements shall meet the requirements of Section 23.53.025.

The requirements of this Chapter and Section are met.

SMC 23.22.054

Public use and interest.

The Hearing Examiner shall inquire into the public use and interest proposed to be served by the establishment of the subdivision and dedication. The Hearing Examiner shall consider all relevant facts to determine whether the public interest will be served by the subdivision and dedication, and if it finds that the proposed plat makes appropriate provision for the public health, safety and general welfare and for open spaces, drainage ways, streets, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, fire protection facilities, parks, playgrounds, sites for school and schoolgrounds, sidewalks and other planning features that assure safe walking conditions for students who walk to and from school, is designed to maximize the retention of existing trees, and that the public use and interest will be served by the platting of subdivision, then it shall be approved. If the Hearing Examiner finds that the proposed plat does not provide the appropriate elements or that the public use and interest will not be served, then the Hearing Examiner may disapprove the proposed plat. Dedication of land to any public body may be required as a condition of subdivision approval and shall be clearly shown on the final plat. The Hearing Examiner shall note as a condition to the approval of any plat require a release from damages to be procured from other property owners.

The public interest will be served by the proposed subdivision. The proposed plat makes appropriate provision for the public health, safety and general welfare. The project develops an urban infill site currently contaminated with hazardous materials with a residential subdivision providing needed housing opportunities. The project includes open space meeting the requirements of SMC 23.45.016 and a trail connection to adjacent City Parks Department property. The project includes a stormwater system, on-site streets and alley-like easements, and off-site transportation improvements designed to City standards and conceptually approved by SDOT and SPU. The project will be served by the public water and sewer systems, which have adequate capacity. The Fire Department has reviewed and given conceptual approval to the subdivision. The public streets in the project include sidewalks designed to City standards. Unit lots not abutting the public streets shall be provided with adequately dimensioned paved sidewalks connecting to the public streets. Safe walking conditions for students who walk to school are provided by a pedestrian connection from S.W. Myrtle St. to 28th Ave. S.W. and a connection on 28th Ave. S.W. extending north to Sylvan Way. Existing trees are retained to the extent practicable and street trees are provided consistent with City standards. Accordingly, these criteria are met.

SMC 23.22.058

Environmentally critical areas.

No plat shall be approved by the Hearing Examiner covering any land situated in a riparian corridor buffer, wetland and wetland buffer, or steep slope and steep slope buffer unless in compliance with the applicable provisions of SMC Section 25.09.240, Short subdivisions and subdivisions, in environmentally critical areas.

The project site contains steep slope areas. The project complies with the applicable provisions of SMC 25.09.240. Any required buffer easements shall be shown on the final plat. The project also complies with the regulations for steep slopes at SMC 25.09.180. SMC 25.09.180 regulates disturbance of steep slopes (slopes in excess of a 40 percent gradient). The requirement of a maximum 30% disturbance to steep slopes is met. The applicant shall obtain any required steep slope exemption and file any necessary ECA covenants prior to issuance of a grading permit.

SMC 23.22.060

Transportation concurrency level-of-service standards.

Proposed subdivisions shall meet the transportation concurrency level-of-service standards prescribed in Chapter 23.52.

The traffic study for the project shows that transportation concurrency requirements are met.

SMC 23.22.062

Unit lot subdivisions.

A. The provisions of this section apply exclusively to the unit subdivision of land for townhouses, cottage housing developments, residential cluster developments, and single-family residences in zones where such uses are permitted.

The proposal is a unit lot subdivision for townhouses in an L-1 zone.

B. Sites developed or proposed to be developed with dwelling units listed in subsection A above may be subdivided into individual unit lots. The development as a whole shall meet development standards applicable at the time the permit application is vested. As a result of the subdivision, development on individual unit lots may be nonconforming as to some or all of the development standards based on analysis of the individual unit lot, except that any private, usable open space for each dwelling unit shall be provided on the same lot as the dwelling unit it serves.

The proposal satisfies the applicable development standards, contained in SMC 23.45, Subchapter 1, on a parent lot or individual lot basis, as appropriate. Private usable open space meeting the requirements of SMC 23.45.016 is provided on the same lot as the dwelling unit it serves.

C. Subsequent platting actions, additions or modifications to the structure(s) may not create or increase any nonconformity of the parent lot.

D. Access easements and joint use and maintenance agreements shall be executed for use of common garage or parking areas, common open space (such as common courtyard open spaces for cottage housing), and other similar features, as recorded with the Director of the King County Department of Records and Elections.

The project does not include common garage or parking spaces. Appropriate agreements relating to the use and maintenance of common open space shall be executed and recorded prior to the issuance of certificates of occupancy.

E. Within the parent lot, required parking for a dwelling unit may be provided on a different unit lot than the lot with the dwelling unit, as long as the right to use that parking is formalized by an easement on the plat, as recorded with the Director of the King County Department of Records and Elections.

Parking for each dwelling unit is provided on the lot with the dwelling unit.

F. The fact that the unit lot is not a separate buildable lot and that additional development of the individual unit lots may be limited as a result of the application of development standards to the parent lot shall be noted on the plat, as recorded with the King County Department of Records and Elections.

This is included as a recommended condition.

4. All environmental documentation, including any checklist, EIS or DNS

The applicant prepared an Environmental Checklist for the project. In this report, DPD conditions the project based on the impacts disclosed in the environmental documents and issues a Determination of Nonsignificance with conditions. The SEPA analysis of this project is discussed separately in a subsequent section of this report.

5. The Director's recommendation to approve, approve with conditions, or deny the application

As presented in plan sheet S5. dated June 9, 2004, as submitted to DPD, the Director of DPD recommends approval of the Preliminary Plat under SMC 23.22.028. In addition, the Director also **recommends the approval** of the following **conditions** referenced below.

RECOMMENDED CONDITIONS – SUBDIVISION

Recommended conditions of approval prior to recording of the final subdivision plat

1. Although the proposal shows a concept of how development on lots could be developed, and although this concept has merit, actual development is not approvable as shown and the specific development added to the drawings should be removed from the preliminary plat.
2. The applicant shall provide ECA covenants per SMC 25.09.240 A for all steep slope areas not otherwise exempted.
3. The applicant shall provide public easements over the private access drives on the face of the plat or concurrent with recording of the final plat.
4. Private access drives shall be clearly marked on the face of the final plat.
5. Articles of incorporation and bylaws for the Homeowners Association, evidence of conveyance or binding intent to convey common open space shall be provided prior to recording of final plat.
6. Any buffer easements required by SMC 25.09.240.B shall be shown on the final plat.
7. The fact that the unit lot is not a separate buildable lot and that additional development of the individual unit lots may be limited as a result of the application of development standards to the parent lot shall be noted on the final plat.
8. All contamination must be cleaned up prior to dedication of any right-of-way and prior to start of construction of the public infrastructure.
9. Additional right-of-way shall be required on SW Myrtle Street at the top of the proposed stairway leading up to 28th Ave SW (approximately 30' by 100') and at the bottom of the stairway west of 27th Ave SW to include the play area (approximately 20' by 70').
10. Even though this project is proposing infiltration as the primary mechanism to control the peak discharge rates from the site resulting from a 100-yr; 24-hr storm event to the allowable level as defined by the City's Stormwater code, and even though so described, the overall drainage goal meets the intent of the City's Stormwater Code, the location of the infiltration facilities has not been approved and shall need to be adjusted after further study of the Geotechnical Report and review of the infiltration facilities design.
11. The short- and long-term operation and maintenance of all the proposed infiltration facilities (both on private property and within the ROW) shall be the responsibility of the private development and noted as such in a covenant or on the face of the plat.

12. Although a traditional conveyance system (i.e. pipe, inlet and catch basin) is currently proposed to route runoff to designated infiltration facilities, SPU recommends that natural drainage systems be considered in lieu of the traditional system, or used in conjunction with a traditional system, where feasible. Regardless of the type of conveyance system that is finally proposed runoff must flow through an approved water quality treatment system and/or a catch basin to remove sediment and other pollutants prior to entering the infiltration facilities.

13. The 814 vault (east of the pad) shall be moved 3' north and the pad needs to be moved 2' to the south.

Recommended conditions of approval prior to issuance of grading permits

1. The applicant shall obtain any required steep slope exemption pursuant to SMC 25.09.180.D prior to issuance of grading permits.

Recommended conditions of approval prior to issuance of street improvement permits

1. The applicant shall provide a metes and bounds legal description for the six “parent” lots.

Recommended conditions of approval prior to issuance of building permits

1. Existing environmental contamination on the site shall be remediated to meet residential standards pursuant to a plan approved by the Department of Ecology under its Voluntary Cleanup Program. The environmental remediation is not authorized by this Master Use Permit but is the subject of a separate grading permit application. The environmental impact of the remediation, however, is addressed in the SEPA analysis below.

Recommended conditions of approval prior to issuance of certificates of occupancy.

1. Full street improvements shall be required for existing streets and the right-of-way to be dedicated.
2. Full street improvements shall be completed leading to any site for which a construction permit has been issued.
3. Appropriate agreements relating to the use and maintenance of common open space shall be executed and recorded and be contained within a Homeowners Association Agreement.

ANALYSIS – SEPA

The applicant prepared an Environmental Checklist for the project, including a Transportation Impact Analysis, Geotechnical Report and a Fish and Wildlife Report. This information, supplemental information contained in the DPD file for the project, and the experience of the lead agency with review of similar projects form the basis for this analysis and decision. Potential environmental impacts are discussed below only where mitigation under Seattle’s SEPA Ordinance may be warranted.

The SEPA Overview Policy (SMC 25.05.665.D) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, and

certain neighborhood plans and other policies explicitly referenced, may serve as the basis for exercising substantive SEPA authority.

The Overview Policy states, in part, “where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation subject to the limitations set forth in subparagraphs D1 through D7 below. Unless otherwise specified in the Policies for Specific Elements of the Environment (SMC Section 25.05.675), denial or mitigation of a project based on adverse environmental impacts shall be permitted only under the following circumstances . . .” The Overview Policy (SMC 25.05.665) D1 through D7 and Specific Elements of the Environment (SMC Section 25.05.675) provide the circumstances in which denial or mitigation of a project can take place.

Short-Term Impacts

Construction activities could result in the following adverse impacts: noise, air quality (construction dust and emissions from construction machinery and vehicles), storm water runoff, increased noise levels, occasional disruption of adjacent vehicular traffic and a small increase in traffic and parking impacts due to construction workers’ vehicles. Several construction-related impacts are mitigated by existing City codes and ordinances applicable to the project such as: the Noise Ordinance, the Stormwater Grading and Drainage Control Code, the Street Use Ordinance, and the Building Code. The following is an analysis of short-term, construction-related impacts as well as mitigation.

Noise

Noise associated with construction of the project could adversely affect surrounding uses in the area, which include single family residential uses. Surrounding uses are likely to be adversely impacted by noise throughout the duration of construction activities. Due to the proximity of the project site to these uses, the limitations of the Noise Ordinance are found to be inadequate to mitigate the potential noise impacts. Pursuant to the SEPA Overview Policy (SMC.25.05.665) and the SEPA Construction Impacts Policy (SMC 25.05.675 B), mitigation is warranted. In addition to the Noise Ordinance requirements, to reduce the noise impact of construction on nearby properties, construction activities shall be limited to non-holiday weekdays between 7:00 A.M and 8:00 P.M. and weekends and holidays between 9:00 A.M. and 6 P.M. After each building is enclosed with exterior walls and windows, interior construction on the individual enclosed buildings can be done at other times in accordance with the Noise Ordinance. Such construction activities will have a minimal impact on adjacent uses. Restricting the ability to conduct these tasks would extend the construction schedule; thus the duration of associated noise impacts. DPD recognizes that there may be occasions when critical construction activities could be performed in the evenings and on weekends, which are of an emergency nature or related to issues of safety, or which could substantially shorten the total construction timeframe if conducted during these hours. Therefore, the hours may be extended and/or specific types of construction activities may be permitted on a case by case basis by approval of the Land Use Planner prior to each occurrence. As conditioned, impacts to nearby uses are considered adequately mitigated.

Air Quality

Construction is expected to temporarily add particulates to the air and will result in a slight increase in auto-generated air contaminants from construction worker vehicles. City Code (SMC 11.74) provides that material hauled in trucks not be spilled during transport. The City requires that a minimum of one foot of "freeboard" (area from level of material to the top of the truck container) be provided in loaded uncovered trucks which minimizes the amount of spilled material and dust from the truck bed enroute to or from a site. In addition, watering of the site and uncovered materials in trucks shall be required to reduce construction dust during grading. Federal auto emission controls will adequately mitigate air quality impacts from motor vehicles. See SMC §25.05.675 (Air Quality Policy). No further conditioning of the grading/excavation element of the project is warranted pursuant to SEPA policies.

Storm Water Runoff

The Stormwater, Grading and Drainage Control Code provides extensive conditioning authority and prescriptive construction methodology to assure safe construction techniques are used. The project will comply with the requirements of this Code and with any conditioning imposed on the grading permit. Therefore, no additional conditioning is warranted pursuant to SEPA policies.

Traffic and Parking

Construction traffic includes trucks removing contaminated soil from the site, other construction vehicles and construction workers' vehicles. The Transportation Impact Analysis for the project states that 2,000 to 7,500 cubic yards of material will be excavated from the site. The hauling phase is estimated to take six weeks (five days a week) and would require hauling approximately 100 to 410 truck loads of dirt from the site. At most, that would generate a total of 28 trips per day (14 inbound and 14 outbound). The average daily impact of 28 trucks spread out over the course of a day will be equivalent to about 0.3% of the daily traffic on Sylvan Way. This does not represent a significant impact to the street system. City Code (SMC 11.62) requires truck activities to use arterial streets to every extent possible. Trucks would be going to the SODO Center and the routes would be directed towards the major arterials and regional routes, including Sylvan Way, Dumar Way SW, Highland Parkway SW, S Michigan Street, Spokane Street, Airport Way S and SR 99. Traffic impacts resulting from the truck traffic associated with grading will be of short duration and mitigated by enforcement of SMC 11.62. No further mitigation is warranted.

Compliance with Seattle's Street Use Ordinance is expected to mitigate any additional adverse impacts to traffic which would be generated during construction of this proposal. Traffic control would be regulated through the City's street use permit system, and a requirement for the contractor to meet all City regulations pertaining to the same. Temporary sidewalk or lane closures may be required during construction. The timing and duration of these closures would be coordinated with the City of Seattle to ensure minimal disruptions.

The demand for parking by construction workers during construction will temporarily increase the demand for parking in the vicinity. This impact is not anticipated to be significant, however,

since parking will be available on the project site and there is no data showing that off-site parking is at capacity.

Long-Term Impacts

Long-term or use-related impacts may occur as a result of approval of this proposal including: impacts associated with existing hazardous materials; removal of habitat on site, stormwater impacts to Longfellow Creek, noise, light and glare and traffic and parking impacts. These impacts are expected to be less-than-significant with mitigation incorporated into the project design and compliance with applicable City Codes and Ordinances. Several adopted City Codes and Ordinances provide mitigation for these impacts. Specifically, these are the Land Use Code which controls land use, density and development standards, the Noise Ordinance and the Stormwater, Grading and Drainage Control Code which contains requirements for drainage.

Hazardous Materials

Prior to and independent of development of the project, existing environmental contamination on the site consisting of lead and cement kiln dust will be removed from the site pursuant to a plan approved by the Department of Ecology under its Voluntary Cleanup Program. After this remediation, the site will meet or exceed standards for residential development. The environmental remediation is not authorized by this Master Use Permit but is the subject of a separate grading permit application. Completion of the remediation is a recommended condition of the preliminary plat. Accordingly, no adverse impacts are anticipated. Instead, the clean up represents a long-term positive environmental impact.

Habitat

The Fish and Wildlife Report for the project states that no streams or wetlands exist on the project site. Vegetation on the project site is characteristic of highly disturbed conditions and that available wildlife habitat is poor for most species. No sensitive species or habitat were identified on site. Accordingly, impacts to habitat are not anticipated to be significant and no mitigation is warranted.

Stormwater

The Fish and Wildlife Report states that no streams are present on the project site; however, the project is located on the western ridge of the Longfellow Creek watershed. During remediation activities, stormwater runoff will be treated and then either infiltrated (if lead levels are below allowed threshold levels) or hauled off site. During construction of the project, stormwater runoff will be routed to settling ponds and then infiltrated. Post-construction, rooftop runoff will be infiltrated and paved surface runoff will be first treated and then infiltrated and/or detained. The Fish and Wildlife Report concludes that stormwater infiltration from the project is expected to have a positive impact on the hydrology, water quality and aquatic life of Longfellow Creek. No further mitigation is warranted.

Noise

Long-term noise will be typical of a residential neighborhood. The Noise Ordinance will continue to apply to activities on the project site after development. Impacts are not anticipated to be significant.

Light and Glare

Long term light and glare will be typical of a residential neighborhood. Impacts are not anticipated to be significant.

Traffic and Parking

The project includes the development of existing platted street rights of way, 27th Ave. S.W., Shinkle Pl. S.W. and S.W. Myrtle St. The project also includes the dedication and development of new streets, S.W. Sylvan Heights Drive and the extension of 27th Ave S.W. As originally proposed, 27th Ave. S.W. did not extend through to S.W. Othello Street. Instead, emergency access only was provided at this location. In response to comments by SDOT, however, the applicant incorporated a through connection to S.W. Othello Street.

The Traffic Impact analysis for the project will generate 108 PM peak hour trips. These trips are not anticipated to change the level of service of study intersections. All study intersections are anticipated to continue to operate at LOS E or better during the weekday PM peak hour. Delay at each of the study intersections is anticipated to increase by less than one second. In addition, the level of service at the Sylvan Way access is anticipated to operate at LOS C and the S.W. Othello Street access at LOS A. Sight distance requirements are met for both access points.

Paved sidewalks meeting City standards are provided along internal streets. The project also includes frontage improvements (curb, gutter and sidewalk) along the south side of Sylvan Way. In addition, a pedestrian connection from S.W. Myrtle St. to 28th Ave. S.W. and a connection on 28th Ave. S.W. extending north to Sylvan Way are provided.

Traffic concurrency requirements are met.

Accordingly, no significant impacts are anticipated and no mitigation is warranted.

CONDITIONS – SEPA

1. Unless approved by the Land Use Planner for the project on a case-by-case basis, construction activities shall be limited to non-holiday weekdays between 7:30 A.M and 6:00 P.M. After each building is enclosed with exterior walls and windows, interior construction on the individual enclosed buildings can be done at other times in accordance with the Noise Ordinance.
2. During grading activities, watering of the site and uncovered materials in trucks shall be required to reduce construction dust.

Signature: (signature on file) Date: July 1, 2004
Michael M. Dorcy
Land Use Planner
Land Use Services